

H-8053

1 Amend House File 2203 as follows:

2 1. Page 3, after line 4 by inserting:

3 <Sec. \_\_\_\_\_. Section 686D.6, Code 2022, is amended to read as  
4 follows:

5 **686D.6 Liability of and disciplinary actions against health**  
6 **care providers.**

7 1. A health care provider shall not be liable for civil  
8 damages or subject to disciplinary action by the health  
9 care provider's licensing board for causing or contributing,  
10 directly or indirectly, to the death or injury of an individual  
11 as a result of the health care provider's acts or omissions  
12 while providing or arranging health care in support of the  
13 state's response to COVID-19. **This subsection** shall apply to  
14 all of the following:

15 a. Injury or death resulting from screening, assessing,  
16 diagnosing, caring for, or treating individuals with a  
17 suspected or confirmed case of COVID-19.

18 b. Prescribing, administering, or dispensing a  
19 pharmaceutical for off-label use to treat a patient with a  
20 suspected or confirmed case of COVID-19.

21 c. Acts or omissions while providing health care to  
22 individuals unrelated to COVID-19 when those acts or omissions  
23 support the state's response to COVID-19, including any of the  
24 following:

25 (1) Delaying or canceling nonurgent or elective dental,  
26 medical, or surgical procedures, or altering the diagnosis or  
27 treatment of an individual in response to any federal or state  
28 statute, regulation, order, or public health guidance.

29 (2) Diagnosing or treating patients outside the normal  
30 scope of the health care provider's license or practice.

31 (3) Using medical devices, equipment, or supplies outside  
32 of their normal use for the provision of health care, including  
33 using or modifying medical devices, equipment, or supplies for  
34 an unapproved use.

35 (4) Conducting tests or providing treatment to any

1 individual outside the premises of a health care facility.

2 (5) Acts or omissions undertaken by a health care provider  
3 because of a lack of staffing, facilities, medical devices,  
4 equipment, supplies, or other resources attributable to  
5 COVID-19 that renders the health care provider unable to  
6 provide the level or manner of care to any person that  
7 otherwise would have been required in the absence of COVID-19.

8 (6) Acts or omissions undertaken by a health care provider  
9 relating to use or nonuse of personal protective equipment.

10 2. This section shall not relieve any person of liability  
11 for civil damages or a health care provider from disciplinary  
12 action by the health care provider's licensing board for any  
13 act or omission which constitutes recklessness or willful  
14 misconduct.>

15 2. Title page, line 1, after <relating to> by inserting  
16 <health care including protections for health care providers  
17 against disciplinary actions for acts or omissions related to  
18 COVID-19 and to>

19 3. By renumbering as necessary.

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A. MEYER of Webster